

**JOINT RESOLUTION SUPPORTING THE STUDY OF
WATER BANKING IN UTAH**

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This resolution requests recommendations on the development and creation of water banks to further the 2017 State Recommended Water Strategy.

Highlighted Provisions:

This resolution:

- ▶ encourages the study of possible options to create and develop water banks to further the 2017 State Recommended Water Strategy and the preparation of recommendations for the Legislature to consider for the 2020 General Session.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, in July 2017, the Governor's Water Strategy Advisory Team finalized a Recommended State Water Strategy, which identified strategies to help meet the water demands of the more than five million people who are projected to live in Utah by 2060;

WHEREAS, the Recommended State Water Strategy identified ways to stretch Utah's limited water supplies and provide clean and affordable water to sustain thriving communities and businesses, robust agriculture, ample recreation, and a healthy and resilient natural environment;

WHEREAS, the Recommended State Water Strategy found that there is a need to facilitate temporary water right transfers through leases, contracts, or other voluntary arrangements to supply competing water uses during a given year and to meet authorized uses and short-term needs;

WHEREAS, the Recommended State Water Strategy found that water banks could facilitate voluntary temporary transfers and provide increased transparency regarding the nature

and costs of such transactions;

WHEREAS, a water bank facilitates the temporary transfer of water by allowing water users to "deposit" unused water into the bank in years when they do not need it so that other users in the region can lease the water for lawful purposes;

WHEREAS, the Recommended State Water Strategy recommended the establishment of "water banking procedures through legislative action that could allow flexibility in the availability of water for various uses in a particular drainage system depending on needs and availability";

WHEREAS, during the 2017 General Session, the Legislature passed S.B. 214 "Public Water Supplier Amendments," which encouraged the Legislative Water Development Commission and the Executive Water Task Force to study possible options for expanding the groups who may file an application for instream flows;

WHEREAS, in response to S.B. 214, an informal committee of interested stakeholders was formed, consisting of agricultural representatives, public water suppliers, environmental organizations, and other stakeholders to study instream flows;

WHEREAS, the informal committee identified water banking as a topic ripe for discussion;

WHEREAS, water banking would address S.B. 214's goals of facilitating instream flows while also supporting many of the Recommended State Water Strategy's other recommendations, including providing water for environmental needs and minimizing the need to convert agricultural water rights to supply growing municipal and industrial needs; and

WHEREAS, interested stakeholders continue to develop consensus-based recommendations to implement the Recommended State Water Strategy's water banking findings and recommendations and further the goals of S.B. 214:

NOW, THEREFORE, BE IT RESOLVED that the Legislature encourages the:

(1) continued study of ways to implement the recommendations in the 2017 Recommended State Water Strategy regarding water banking; and

(2) support of the goals of S.B. 214.

BE IT FURTHER RESOLVED that the Legislature encourages the presentation of findings, conclusions, and recommendations, including any suggested legislation, to the Legislature before the 2020 General Session.

63 BE IT FURTHER RESOLVED that recommendations and legislation presented to the
64 Legislature:
65 (1) recognize that the majority of water rights in Utah are agricultural in nature;
66 (2) incentivize agricultural water users to participate in water banking;
67 (3) protect against abandonment and forfeiture for water rights placed within a water
68 bank;
69 (4) minimize the potential for water right impairment; and
70 (5) ensure that water placed within a water bank may be leased or otherwise used for
71 any lawful purpose.